



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 4, 2020

(VIA EMAIL AND U.S. MAIL)

The Honorable James E. Clyburn, Chairman, Select Subcommittee on the Coronavirus Crisis
The Honorable Zoe Lofgren, Chairperson, Committee on House Administration
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Clyburn and Chairperson Lofgren:

The Florida Department of State in partnership with the 67 county Supervisors of Elections works hard for the voters of Florida, and the March 17 Presidential Preference Primary and August 18 Primary Election were no exceptions. The 67 county Supervisors of Elections are responsible for election administration at the local level including the oversight and management of more than 6,000 precincts, tens of thousands of poll workers, and providing voting opportunities for more than 14 million registered voters. The manner in which these Supervisors were able to manage the daily-changing landscape brought about by the global pandemic while administering a successful Presidential Preference Primary and Primary Election is to be commended. The extraordinary preparation and dedication of all county Supervisors of Elections, their staff and thousands of poll workers contributed to successful elections that were safe for the millions of Florida voters who cast their ballots.

On June 17, Governor Ron DeSantis issued Executive Order 20-149 which provided practical solutions to address several of the issues experienced by elections officials during the Presidential Preference Primary held on March 17. Implementing these provisions for the August 18 Primary along with the close coordination with county Supervisors resulted in: sufficient time for canvassing boards to count the 2,343,816 mail ballots received on time (60% of the total vote); qualified election support to supplement Supervisors' roster of poll workers; additional venues to replace polling places that remain closed out of concern for at-risk populations; and, in coordination with county emergency managers, personal protective equipment, hand sanitizer and cleaning products provided to counties still in need of these supplies. These careful preparations, combined with the safety precautions taken by Florida's voters, contributed to a safe, orderly and secure election in Florida.

More details about these successes are provided below in the responses we respectfully submit to this committee.

1. What steps is the state taking to address potential poll worker shortages at polling places for the general election?

Governor DeSantis' Executive Order 20-149, signed on June 17, 2020, provides administrative leave incentives for eligible state employees who want to help by serving as election poll workers. With a state government workforce of approximately 89,000 employees, these incentives go a long way to help Supervisors supplement their roster of poll workers with qualified elections support.

2. Does the state have plans to recruit more poll workers? If so, what are those plans?

Pursuant to section 102.014, Florida Statutes, poll worker recruitment is the responsibility of the county Supervisors of Elections.

Executive Order 20-149 contains solutions that provide additional options for Supervisors of Elections to secure polling locations and poll workers to ensure smooth, safe, and secure election in the November General Election.

Further, I participated in a joint project called Poll Worker, Esq., created by the American Bar Association and the National Association of Secretaries of State that encourages lawyers to become poll workers. We will be using our social media channels to amplify the messages of the individual poll worker recruitment campaigns of the Elections Assistance Commission and the National Association of Secretaries of State, particularly to dovetail with National Poll Worker Recruitment Day on September 1, 2020.

3. What steps is the state taking to supply poll workers with personal protective equipment?

Executive Order 20-149 ensures that personal protective equipment is made available to all poll workers. To assist in this, the state will coordinate with county emergency managers to facilitate the provision of any personal protective equipment, hand sanitizers, and cleaning products for counties still in need of these supplies. This, combined with safety precautions routinely taken by each voter, will help keep voters safe in our polling places.

Additionally, the Florida Department of State has launched a CARES Act grant fund program which allocates all of Florida's \$20.25 million grant award to the Supervisors of Elections. The counties are currently submitting requests for funds in preparation for this election cycle. Each county will receive a base allocation of \$50,000 and subsequent funds based on the number of registered voters in their respective counties. This funding will be used to reinforce each county's safeguards and to offset any expenses Supervisors have already incurred in preparing for this election cycle.

The Department has been actively working to obtain donations to provide to Supervisors of Elections. Of note, the Department has accepted donations of surgical masks from the Taipei Economic and Cultural Office in Miami, and bottles of hand sanitizer from the Anheuser-Busch company for all polling places in Florida. These supplies will be distributed to the 67 Supervisors of Elections for use in the November Election.

4. Please describe the state's efforts to preserve adequate social distancing at polling places to protect voters, poll workers, and other election staff members.

The Florida Department of State has provided guidance and information to all Supervisors of Elections about preparing for and mitigating exposure to COVID-19 at polling locations, and we have worked with them and with emergency managers across the state to ensure that they have necessary supplies to keep polling locations sanitized.

For those voters who choose to vote at the polls, sanitization, social distancing and safety will be our top priority. Florida's Supervisors are aware of all guidance from the Florida Department of Health and from the CDC – best practices for hand washing and sanitization; recommendations for elections polling places; as well as guidance from voting machine manufacturers on how best to sanitize voting machines.

We are prioritizing the health and welfare of voters and election workers. We ask Florida voters to prioritize health and welfare as well, by being aware of ways to protect against exposure to COVID-19, and follow guidance from health professionals.

5. What is the state doing to ensure there are enough polling places in each county to avoid excessive wait times for voters?

Each county's supervisor of elections decides where to place polling places for early voting and election day. It is for the supervisors to decide, based on local circumstances, where to place polling places.

In order to avoid long lines on election day as a result of a shortage of polling places Governor DeSantis has directed the Commissioner of Education to coordinate with county Supervisors of Elections to allow schools to be used as polling places on Election Day. That means many of Florida's 4,517 public schools can now serve as polling locations, adding to the venues that Supervisors already have been able to secure.

6. What guidance is the state providing to election officials to ensure they mail out ballots in a timely manner sufficient to reach voters in advance of early voting and Election Day deadlines?

Federal and state laws already provide specific delivery timeline for vote-by-mail ballots. Pursuant to section 101.62, Florida Statutes, ballots requested by absent stateside military and overseas military and civilian voters are required to be sent out no later than 45 days before Election Day. Each county is required to confirm timely send out and if not, how many were not and what the resolution was. The Florida Department of State in turn is required to report to the U.S. Department of Justice that all ballots for requests on record were sent out timely in accordance with the method requested by the voter (i.e., mail, email, fax, or online).

As to domestic vote-by-mail ballots, local election officials are required by law to send out ballots during a 7-day window (40-33 days before Election Day). All requests for vote-by-mail ballots thereafter must be processed and sent out within 2 days of the request, assuming the voter is determined to be eligible to vote in the election. The last day a voter can request a ballot be mailed is 10 days before the election.

The State continues to work with supervisors of elections on ensuring that vote-by-mail ballots are sent and received in a timely manner. The State intends to hold at least one workshop with the supervisors before the general election to remind supervisors of best practices such as the use of first-class mail and ballot tracking. Together with the supervisors, the State also intends to remind voters of the need to return their vote-by-mail ballots in a timely way through the mail, in-person, or through drop boxes. Finally, as in years past, the State will troubleshoot issues with the supervisors and the U.S. Postal Service as they arise.

The Florida Department of State conducts monthly phone calls with local election officials and remind them of key upcoming dates. Additionally, the Department has shared USPS resources and coordinated communications and training sessions between USPS and local election officials regarding best practices and tools available to facilitate the timely delivery, tracking, and return of vote-by-mail ballots including but not limited to mail piece design, informed visibility and informed delivery. The Department also posts an online calendar publication of key election activity dates.

7. How many absentee ballots will the state order for the general election? Will materials also be provided in Spanish?

As a matter of best practices in election administration, local election officials assess and order ballots based on standing requests and anticipate and prepare for additional demand for ballots based on past experiences, examination of past voting trends, and external challenges such as hurricane season. Each county's needs may vary. Given the COVID-19 pandemic, local election officials have seen an increase in vote-by-mail ballot requests and have used CARES funds to accommodate the demand and the attendant expenses associated with storing, tabulating, processing and canvassing vote-by-mail ballots.

The State of Florida has 13 counties that are designated as Spanish language jurisdictions under Section 203 of the Voting Rights Act. Since their designation, these counties provide multi-lingual ballots as well as other election materials and assistance. Per Rule 1S-2.032(3)(b), Florida Administrative Code, the remaining 54 counties are required to make a ballot available in Spanish which may be satisfied as a bi-lingual ballot or separate Spanish ballot. Additionally, the polling place procedures manual which is a guide for poll workers at polling locations, sets forth the requirements for ensuring that forms, election materials and assistance in Spanish are available as required and/or if requested. See DS-DE 11 of Rule 1S-2.034, Florida Administrative Code.

8. Do counties have enough resources to administer the general election efficiently and effectively? If not, what resources are needed?

The Florida Department of State and the Supervisors of Elections have the resources to administer the General Election efficiently and effectively. The Department has invested a significant amount of time and effort equipping the Supervisors to face the challenges of the 2020 election cycle and to provide a safe and secure voting experience for Florida voters.

On May 22, 2019, Governor DeSantis directed the Florida Department of State to conduct a review of elections systems security throughout the state. As part of the Joint Election Security Initiative (JESI), the Department has conducted an elections-specific assessment in all 67 counties to improve Florida's elections systems. JESI represents an unprecedented cooperative partnership with Supervisors of Elections to do even more to secure and protect the integrity of Florida's elections. JESI concluded December 31, 2019 with all 67 counties completing their assessments and all counties having submitted their remediation plans to address county needs.

Since 2018, Florida has invested millions of state and federal dollars in election security and have made available grants totaling more than \$20.1M [\$1.9M - network security grant, \$15.4 - 1st election security, and \$2.8M in JESI related grant], just relating to federal election security alone. Through those grants, DOS provided \$1.9 million for Supervisors of Elections to purchase and install the Albert network monitoring sensors in partnership with the Center for Internet Security and the Multi-State Information Sharing and Analysis Center (MS-ISAC). The Albert sensor can detect cyber threats and quickly alert officials when data may be at risk, and it is an important tool in securing Florida's elections. I am extremely proud that Florida became the first state in the country to have all county election offices using the Albert sensor. This year, we are grateful to the Legislature and the Governor for \$1.3 million to create a dedicated Cyber Security Section with 10 full time positions, \$1 million to support election administration and \$3.5 million to provide federal election security grants to Supervisors of Elections.

The Florida Department of State made it a top priority to engage with local elections officials and the United States Postal Service regarding the timely delivery and return of vote-by-mail ballots. The Florida Department of State appreciates our relationship with the USPS and we have an ongoing partnership with regional and state representatives. Through that partnership, we facilitated 3 separate sessions in June 2020 for Supervisors on Election Mail best practices and available resources including timely topics such as Mail Piece Design / Ballot Envelope Reviews, Informed Visibility, and Informed Delivery / Informed Delivery Campaigns. More sessions are planned ahead.

9. Please provide a detailed description of the state's use of the funds provided for election assistance by Congress through the CARES Act according to category of use and amount.

Florida is committed to ensuring the protection of voters and elections staff (permanent and temporary), maintaining accessibility for all voters, and providing equipment, supplies, services and/or support to the fullest extent possible with the funds made available through CARES Act. Florida was awarded \$20,253,853 with a \$4,050,771 match requirement (20%). We will use the funds to prevent, prepare for and respond to coronavirus, domestically or internationally, for the 2020 federal election cycle.

We are already working closely with our local election officials to allocate funds in a manner that best serves the individual county's voter community, ensures the health, safety and well-being of voters and the election workforce, including poll workers, and provide for fair, accessible and secure elections.

10. Please provide a detailed description of the state's plans to mitigate the effects of a natural disaster, weather emergency, or public health emergency on the ability of voters to vote by mail or vote in person before or on Election Day.

The Florida Department of State (DOS) works with the State Emergency Operations Center and has their Emergency Coordinating Officer present during any potential event. Working with the Operations Center, DOS is in real time contact with each of the county emergency operations centers and works needs through the state operations liaisons and information technology assets. In addition, the DOS has their Continuity of Operation Plan current and on file with the center, as does each county. Declarations during elections can be managed as needed by the statutory authority contained in section 101.732, Florida Statutes, relating to Elections Emergency Act.

For the last two years, Florida has invested millions of dollars in cybersecurity, voting equipment upgrades and network enhancements. We have an unprecedented collaboration with our local election officials that culminated in the most thorough assessment ever completed of our infrastructure and facilitated remediation of our election systems' weaknesses and vulnerabilities. These deliberative actions and our response to the unforeseen exigencies that impacted our elections this year, are actions we have been vigorously pursuing to ensure the integrity of Florida's elections. As we did in the Presidential Preference Primary earlier this year, we will take what we have learned from this Primary Election, and ensure successful outcomes are carried over into the upcoming General Election this November.

We hope that the information provided is responsive to your inquiry.

Sincerely,

A handwritten signature in black ink, reading "Laurel M. Lee". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Laurel M. Lee
Secretary of State

Enclosed: Attachment A: Requested Documents and Information

Attachment A: Requested Documents and Information

- 1. Current projections for voter turnout in the State of Florida for the general election, including projections by county and precinct;**

The Florida Department of State does not compile vote-by-mail projections by county or precinct. Voter turnout statistics for past elections can be found at:

<https://www.dos.myflorida.com/elections/data-statistics/elections-data/voter-turnout/>

- 2. Current projections for absentee voter turnout for the general election, including projections by county and precinct;**

The Florida Department of State does not compile vote-by-mail projections by county or precinct. Vote-by-mail statistics for past elections can be found at:

<https://countyballotfiles.elections.myflorida.com/FVRSCountyBallotReports/AbsenteeEarlyVotingReports/PublicStats>

- 3. For each county in Florida, the number of precincts, the number of Election Day polling places, and the number of early voting locations;**

The Florida Department of State will generate voter registration book closing reports prior to the General Election. These reports include the number of precincts by county. The voter registration book closing deadline is October 5, 2020. For book closing reports for past elections, please see the following website:

<https://www.dos.myflorida.com/elections/data-statistics/voter-registration-statistics/bookclosing/bookclosing-reports-regular/>

The deadline to report early voting sites for the General Election is October 4, 2020. For more information on early voting in Florida, please see the following website:

<https://www.dos.myflorida.com/elections/for-voters/voting/early-voting/>

- 4. The number of poll workers:**
 - a. that are projected to be required to staff polling places during early voting and on Election Day, by county; and**
 - b. who have committed to serve, by county; and**

The Florida Department of State does not compile poll worker projections by county. For the number of poll workers who served in past elections, please see the following website:

<https://www.dos.myflorida.com/elections/data-statistics/elections-data/general-election-summaries/>

- 5. Current projections of the number of drop box locations for the general election, including all projections by county and precinct;**

Florida Law requires drop boxes at Supervisors of Elections' main and branch office(s) as well as at each early voting site and any other designated by county. The deadline to report early voting sites for the General Election is October 4, 2020.